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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/190, 727

11/12/98

PALTENGHE

C

CITI 0080-US

LM02/0825

EXAMINER

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KILPATRICK STOCKTON  
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WASHINGTON DC 20005

MESS, R

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

08/25/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/190,727	PALTENGHE ET AL.
	Examiner Richard W. Hess	Art Unit 2764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

1) Responsive to communication(s) filed on 19 June 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 22-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 November 1998 is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 . 20) Other: \_\_\_\_\_ .

### **DETAILED ACTION**

1. Claims 1–21 were cancelled and Claims 22–26 were added by applicants' amendment filed 19 June 2000. Claims 22–26 have been examined.

#### ***Drawings***

2. The drawings are objected to because of the minor informalities cited on the attached form PTO 948 attached to the previous Office Action. Correction is required.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants state that the payment for goods and services "spans a plurality of consumers," but the applicants fail to point out whether the payment is a *single payment* that covers the goods and services purchased by a plurality of consumers or the payment services are available to a plurality of consumers. For the purposes of the following art rejections, the examiner will assume that the applicants intended that the payment services were available to a plurality of consumers.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neil et al, US Patent No. 5,987,440.

As per Claim 22, O'Neil et al discloses a method of transmitting data in a database concerning a first party to a second party comprising:

- extracting the information from the database (column 17, lines 36–43);
- combining the data with similar data from a plurality of other first parties, and;
- transmitting the data to the second party (column 13, line 64 through column 14, line 14).

A very key element of the invention disclosed by O'Neil et al is a member of the E-Metro community assumes an anonymous electronic identity called an “electronic personal information agent” (E-PIA) (column 2, lines 16–22). Therefore the very process used to join an E-Metro community is anonymizing the data into anonymous data. O'Neil et al also discloses that this anonymous data is transmitted to a second party as claimed by the applicants (column 14, lines 8–11).

As per Claim 24, O'Neil et al specifically discloses that the identification data of a member of the E-Metro community is anonymized into an E-PIA electronic identity and

goes on to disclose that the E-Metro community member has complete control over the any access to identification data (column 10, lines 17–36).

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al and Low et al, US Patent No. 5,420,926.

As per Claim 23, O'Neil et al discloses that the E-Metro community system provides for secure credit card purchases on the Internet (column 8, lines 65–67). O'Neil et al also discloses that the E-Metro community system anonymously conducts credit card purchases for the plurality of E-Metro community members (column 24, lines 26–45). O'Neil et al does not explicitly state that the anonymizing is performed on the credit card numbers of E-Metro community members as claimed by the applicants. Low et al explicitly teaches anonymizing credit card numbers (column 2, lines 3–23). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of O'Neil et al with the anonymizing of credit card numbers as taught by Low et al for the advantage of preserving the individual privacy of the first party (Low et al, column 1, lines 63–65).

10. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al and Bezos et al, US Patent No. 6,029,141.

As per Claim 25, O'Neil et al explicitly discloses a method of purchasing goods and services across the Internet from a plurality of merchants at one time comprising the steps of providing a customer with an alias (column 10, lines 33–36) and facilitating payment of those goods and services (column 24, lines 39–45). O'Neil et al does not explicitly state the use of an electronic shopping cart as claimed by the applicants.

Bezos et al discloses an Internet based shopping and purchasing system that:

- Provides the customer with an electronic shopping cart (column 2, lines 48–51);
- Receives one or more orders into the electronic shopping cart from the customer (column 2, lines 51–52); and
- Receives the ordered goods and services from a plurality of merchants (column 2 line 66 through column 3, line 4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of O'Neil et al with the electronic shopping card taught by Bezos et al to get the invention as claimed by the applicants. The advantage would be to attract customers to the shopping system by providing a convenient and efficient single check out for customers that use the system (Bezos et al, abstract).

As per Claim 26, O'Neil et al explicitly discloses an E-Bazaar that facilitates the shopping and purchase of goods and services for the plurality of consumers in an E-Metro community (column 25, lines 14–34).

***Conclusion***

11. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Grabber et al (US Patent No. 5,961,593) teaches anonymous Internet browsing.
- Hauser et al (US Patent No. 6,061,789) teaches the anonymous interchange of information over a network.
- Rosen (US Patent No. 5,557,518) discloses the purchase of goods and services using trusted agents.
- Landry (US Patent No. 5,956,700) teaches a method and system for paying for goods and services where the buyer and seller can control what information is disclosed.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

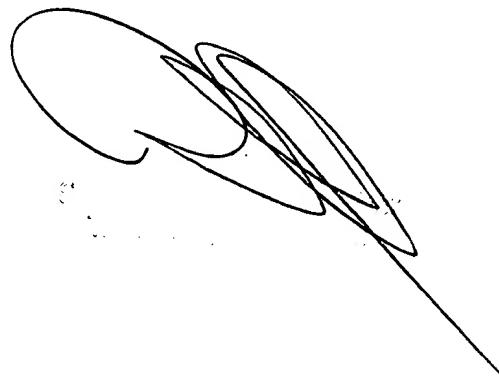
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard W. Hess whose telephone number is (703) 308-6287. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "Richard W. Hess". The signature is fluid and cursive, with a large, stylized 'R' and 'W'.

Richard W. Hess  
August 23, 2000